

48A C.J.S. Judges § 276

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

IX. Disqualification to Act

C. Grounds for Disqualification

2. Interest and Relationship

a. Interest

(1) General Considerations

§ 276. Removal of disqualification

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West's Key Number Digest

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Disqualification of a judge for interest may be removed by the extinguishment or transfer of the judge's interest prior to the commencement of the action.

A disqualification of a judge because of interest may be removed by extinguishment,¹ relinquishment,² divestment,³ or transfer⁴ of the interest although the transfer is made for the purpose of removing the disqualification.⁵ A judge who is disqualified in a cause does not become qualified by the mere removal from the record of the reasons for the disqualification.⁶

Time of removal.

The disposing of the interest pending the litigation does not remove the disqualification.⁷

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Footnotes

- 1 Fla.—*In re Brevard County Grand Jury*, 206 So. 2d 398 (Fla. 4th DCA 1968).
Kan.—*Flannery v. Flannery*, 203 Kan. 239, 452 P.2d 846 (1969).
- 2 Cal.—*Gregg v. Pemberton*, 53 Cal. 251, 1878 WL 1456 (1878).
- 3 U.S.—*Shell Oil Co. v. U.S.*, 672 F.3d 1283 (Fed. Cir. 2012).
- 4 Tex.—*State v. Valmont Plantations*, 346 S.W.2d 853 (Tex. Civ. App. San Antonio 1961), writ granted, (Nov. 29, 1961) and judgment aff'd, 163 Tex. 381, 355 S.W.2d 502 (1962).
- 5 Tex.—*Nicholson v. Showalter*, 83 Tex. 99, 18 S.W. 326 (1892).
- 6 Fla.—*Kells v. Davidson*, 102 Fla. 684, 136 So. 450 (1931).
- 7 Cal.—*Adams v. Minor*, 121 Cal. 372, 53 P. 815 (1898).

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